S.B. CIVIL WRIT PETITION No.965/99
THE NEW INDIA ASSURANCE COMPANY Ltd. V/s
RAVI DUTT @ RAVI PRAKASH & OTHERS

5.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri S.R. Joshi for the petitioner.
None present for the respondents.

Insurance Company has filed this writ petition against the order dated 1.6.94 passed by the learned Motor Accident Claims Tribunal, Jaipur City, Jaipur, whereby it has been directed to pay interest on the amount of Rs.9,775/- @ 18% p.a. from the date of filing the claim petition i.e. On 27.2.1981 till the actual amount till payment.

Contention of the learned counsel for the petitioner is that the Insurance Company had immediately after passing of the award, deposited the awarded money along with interest vide a cheque with the Tribunal on 12.12.86 and when the cheque became time

barred, it was returned on 14.4.88 for renewal and renewed cheque was also deposited thereafter. They Having discharged their obligation, cannot now be saddled with the liability to pay further interest for the period of delay beyond 12.12.86.

Having heard learned counsel for the petitioner and and after perusal of the order dated 1.6.94, I find that the cheque was returned to the Insurance Company on 14.4.88 for the purpose of renewal and the Company after renewing the cheque re-submitted it as late as 14.2.92 and that to upon sending reminder. In the facts of the case, it should be noted that mere cheque did not have the affect of making payment to the claimant. The money of the Insurance Company still remained with them. In the circumstances, therefore, I find that the Tribunal has not committed any illegality or error in passing order dated 1.6.93

requiring the petitioner to pay interest for the period of delay.

This writ petition being devoid of merit is, therefore, dismissed with no order as to costs.

(MOHAMMAD RAFIQ),J.

CHAUHAN/